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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/666,474  | 09/19/2003  | David Lee Steinlage  | 16630-US            | 8871             |
| 30689   | 7590        | 03/29/2006           | EXAMINER            |                  |
| DEERE & COMPANY<br>ONE JOHN DEERE PLACE<br>MOLINE, IL 61265 |             |                      | BATSON, VICTOR D    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3671                |                  |

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                                     |                        |                     |
|-------------------------------------|------------------------|---------------------|
| <b><i>Office Action Summary</i></b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                                     | 10/666,474             | STEINLAGE ET AL.    |
|                                     | <b>Examiner</b>        | <b>Art Unit</b>     |
|                                     | Victor Batson          | 3671                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 December 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1 and 3-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1,3-5 and 8-15 is/are allowed.

6)  Claim(s) 6,7 and 16-24 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

✓1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
✓3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,7,16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (6,443,237) in view of Borter (6,315,057).

Meyers et al. discloses a deep tillage point structure adapted for connection to an upright shank 12 for forward movement through compacted soil. The structure comprises a main body 20, having a fore-and-aft extending leading nose 26, with a front surface that extends upwardly and rearwardly from a nose leading edge 28. A tapered top surface 50 extends rearwardly and upwardly from the front surface (fig. 3) and includes outwardly facing surfaces forming an apex 62. The surfaces cause a parting stress of the soil (col 2, lines 54-65).

Regarding claims 7,16-22 the tillage point is constructed of austempered ductile iron (col 3, line 15). The point further comprises wings 36 having a lift angle of 15 degrees (col 4, line 19) and slope downwardly at an angle of less than 15 degrees (col 4, lines 14-15). The wings having leading edges angled rearwardly at an acute angle (col 4, lines 21-22). The leading edges of the wings enter the soil at a level just above the level of entry of the leading edge 28 (fig. 1). The aft edges of the wings terminate forward of an aft edge of the shank, and the main body has a bifurcated attaching area (76, 80) adapted to receive a lower mounting end of the shank. Meyers et al., further

shows bolt 22 apparently positioned within the aperture 80. Meyers et al., lacks specifically describing the particular claimed angles or the particular claimed dimensions however, providing a tillage point with these angles and dimensions would have been obvious to one having ordinary skill in the art at the time the invention was made since it has been held that where the general conditions of a claim are disclosed (such as the structure here), discovering the optimum or workable ranges involves only routine skill in the art (see MPEP 2144.05).

Borter teaches that it is known in the art for bolt ends to be recessed within apertures to protect them from wear and damage (figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Meyers et al., so that both ends of the bolt are recessed within the aperture as taught by Borter, to protect the bolts from wear and damage.

#### ***Allowable Subject Matter***

Claims 1,3-5,8-15 are allowed.

#### ***Response to Arguments***

Applicant's arguments regarding claims 6,7,16-24 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments regarding claims 1 & 9 are persuasive.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 23, 2006

Victor Batson  
Primary Examiner  
Art Unit 3671